

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

COMMONWEALTH OF PENNSYLVANIA,	:	No. 564 WAL 2005
	:	
Respondent	:	Petition for Allowance of Appeal from
	:	the Order of the Superior Court entered
	:	July 6, 2005, at No. 1342WDA2004
v.	:	affirming the Order of the Court of
	:	Common Pleas of Allegheny County
	:	entered July 13, 2004 at No. CC9516251.
WILLIAM M. DANIELS,	:	
	:	
Petitioner	:	

ORDER

PER CURIAM

AND NOW, this 8th day of March 2006, the Petition for Allowance of Appeal is **GRANTED** solely with respect to Petitioner's claim that the Superior Court erred in considering the merits of the claim regarding the recantation of Eric Ross. Accordingly, we **VACATE** the Order of the Superior Court in part and **REMAND** for entry of an Order affirming the Order of the PCRA court but clarifying that Petitioner's claim based on the Ross Affidavit is dismissed without prejudice to Petitioner's right to raise it in a subsequent PCRA petition. Commonwealth v. Jones, 811 A.2d 994 (Pa. 2002).

Madame Justice Baldwin did not participate in the consideration or decision of this matter.